

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY FIELDS, et al.,

Defendants.

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**Criminal No. 18-cr-00267-01
(APM)**

ORDER

Defendant Anthony Fields’ “Motion to Suppress Seizure of Personal Property Belonging to Defendant and all Evidence Obtained Pursuant to the Seizure,” ECF No. 68 [hereinafter Def.’s Mot.], is denied, except as discussed below.

Fields’ sole argument to suppress the evidence seized within his car, a 2010 Range Rover, and his residence on February 1, 2018, appears to be that the search warrant affidavit failed to establish the requisite “nexus” between those two locations and narcotics activity. *See id.* at 9–10; Def.’s Reply to Gov’t’s Omnibus Resp., ECF No. 104, at 3. That argument fails for two reasons: (1) the search warrant affidavit supplies the requisite probable cause, and (2) the good-faith exception applies.

I.

Whether the search warrant affidavit provides probable cause that evidence of narcotics trafficking would be found within Fields’ car and home requires the court to ask two questions: (1) Does the affidavit establish probable cause to believe Fields was involved in drug trafficking, and (2) if so, does the affidavit establish probable cause to believe evidence of such activity would

be found in his car and his home. *See United States v. Cardoza*, 713 F.3d 656, 659 (D.C. Cir. 2013).

As to the first question, probable cause to believe Fields was engaged in drug trafficking is established by: (1) the observations of law enforcement on October 20, 2017, that for *two hours* Fields and Defendant Lonnell Tucker, who was known to have sold narcotics to a confidential informant on multiple occasions inside the barbershop, “leaned inside vehicles and entered vehicles parked outside the barbershop, [and] entered and exited the barbershop . . .” in a manner “consistent with engaging in a drug trafficking operation from the barbershop and surrounding area,” Search Warrant Aff., ECF No. 95-1, 34 ¶ 25; (2) Fields’ arrest for suspected trafficking of cocaine in Prince George’s County, Maryland, on November 28, 2017, which involved the seizure of 83 grams of suspected cocaine and \$7,300 in currency from Fields’ Range Rover and person, *see id.* 36 ¶ 29;¹ and (3) Fields’ regular presence near the barbershop and his keyed access to the second floor of the building, *see id.* 39–41 ¶¶ 34–37. This evidence, taken together, is more than sufficient to implicate Fields in drug trafficking. *See Cardoza*, 713 F.3d at 660.

As to the second question, the search warrant affidavit provides a “nexus” between Fields’ trafficking activities and his home and the Land Rover. D.C. Circuit precedent firmly establishes that probable cause to believe a person is engaged in narcotics trafficking also “leads to the further conclusion that there was probable cause to search” the person’s home. *See id.* at 661. And, as to the Land Rover, Fields was arrested in it on November 28, 2018, with suspected cocaine and a substantial sum of cash, so the nexus requirement as to the car is easily satisfied. Search Warrant

¹ Fields baldly asserts that his arrest on November 28, 2017, was “a farce. False.” Def.’s Mot. at 9. The court understands the suspected cocaine seized from Fields on that date turned out not to be cocaine, but the cutting agent mannitol. But Fields does not aver that law enforcement was aware of that fact on January 30, 2018, when it applied for search warrants, and withheld it from the magistrate judge. Moreover, the court intends to hold an evidentiary hearing on the November 2017 arrest, so if it the arrest turns out to be a “farce” the court may revisit its ruling.

Aff. 36 ¶ 29. *See also id.* at 22 ¶ 7(a) (“Narcotics traffickers keep narcotics, narcotics related items and paraphernalia, money, firearms, and firearm-related items in their residences and/or their vehicles . . .”).

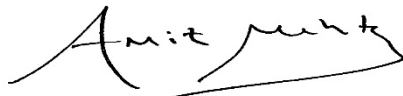
Accordingly, the search warrants for Fields’ residence and Land Rover were supported by probable cause.

II.

Fields’ motion also fails because, even if the warrants lacked probable cause, the good-faith exception would apply. *See United States v. Leon*, 468 U.S. 897 (1984). Fields does not argue that the warrants were “based on an affidavit ‘so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable.’” *Id.* at 923. And even if he had made that argument the court would reject it.

III.

The court defers ruling on whether the Suboxone strips and keys seized from Fields on November 28, 2018, must be suppressed. The court requires further evidence regarding the circumstances leading to the seizure of those items.



Amit P. Mehta
United States District Judge

Date: February 5, 2019